

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CONSTANCE K. KING,)	CASE NO. 5: 07 CV 3531
)	
Plaintiff,)	JUDGE DONALD C. NUGENT
)	
v.)	
)	
COMMISSIONER OF SOCIAL SECURITY,)	MEMORANDUM OPINION AND ORDER
)	
Defendant.)	

This matter comes before the Court upon the Report and Recommendation of Magistrate Judge James S. Gallas. (ECF # 16.) In the Report and Recommendation, Magistrate Judge Gallas recommended that, pursuant to the Joint Stipulation to Reverse with Remand (ECF # 15), the Stipulation be granted and the decision of the Commissioner denying benefits be reversed with remand under the fourth sentence of 42 U.S.C. § 405(g). (*Id.*) The Magistrate Judge further recommended that the Court enter judgment memorializing the Stipulation. (*Id.*) No objections to the Report and Recommendation have been filed.

Although it is not expressly required by the Federal Rules of Civil Procedure or by the Supreme Court, this Court has conducted a *de novo* review of the Magistrate Judge's report to which no objections have been filed.¹ After careful evaluation of the record, this Court adopts the findings of the Magistrate Judge as its own. Accordingly, the Report and Recommendation of Magistrate Judge Gallas (ECF #16) is hereby ADOPTED.

Consistent with this ruling, the Joint Stipulation to Reverse with Remand (ECF # 15) is

¹ In the absence of a clearly articulated standard for the review of unopposed magistrate judge's reports, this Court chooses to employ the standard which is provided by Congress for opposed reports within the text of FED. R. CIV. P. 72.

GRANTED, and Defendant's decision denying benefits is hereby REVERSED and
REMANDED for further proceedings under the fourth sentence of 42 U.S.C. § 405(g).

IT IS SO ORDERED.

s/ Donald C. Nugent
DONALD C. NUGENT
United States District Judge

DATED: July 31, 2008